

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Calabasas Landfill
SWIS No. 19-AA-0056
March 29, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the County of Los Angeles Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Calabasas Landfill, SWIS No. 19-AA-0056, located in Los Angeles County and owned by Los Angeles County and operated by County Sanitation District No. 2 of Los Angeles County (Sanitation District). A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on December 22, 2015. The Department subsequently determined the Joint Technical Document (JTD) submitted as part of the permit application package would need to be revised. In order to address Department comments on the JTD, and to allow CalRecycle additional time to review the revisions, the operator waived the LEA and Department's statutory review timelines, pursuant to Public Resources Code Sections 44008 and 44009, respectively, on February 12, 2016 to April 5, 2016. A new proposed permit was received on March 24 and March 25, 2016. If no action is taken by May 24, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2002)	Proposed Permit
Permitted Hours of Operation	Landfill and Ancillary Operations: 8:00 AM to 6:00 PM	Ancillary Operations: 5:30 AM to 7:00 PM
Permitted Area (acres)	Total: 505	Total: 491* *see page 5 part C, Specifications
	Disposal: 416	Disposal: 305
Capacity (cubic yards)	Remaining Capacity: 25,400,000* *see page 5 part C, Specifications	Design Capacity: 69.3 million
Estimated Closure Date	2028	2029* *see page 5 part C, Specifications

Other Changes include updates to the following sections of the SWFP: "Findings," "Prohibitions," documents that describe and/or restrict the operation of the facility, "Self-Monitoring," and "LEA Conditions" including rewording, additions and/or deletions for the

purpose of updating and/or clarifying to reflect the proposed changes and bring the permit in line with current standards. The following “Key Issues” provide further description of the most pertinent changes.

Key Issues

The proposed permit will allow for the following:

1. Ancillary operations hours would be extended from 8:00 AM - 6:00 PM to 5:30 AM - 7:00 PM. However, hours for the receipt of waste would not change. Morning ancillary operations, as described in the JTD, consist of support activities; such as equipment maintenance and preparation, road maintenance, and water spray for dust control as early as 5:30 a.m. After the site closes to the public for the receipt of refuse, ancillary activities consist of refuse spreading and compaction operations, equipment maintenance, grounds maintenance, and other activities necessary to secure the site until 7:00 p.m. All other activities including, but not limited to, maintenance and operation of environmental control systems, environmental monitoring, and the control of potential nuisance conditions and emergency operations may occur 24 hours per day, 7 days per week, which has not changed from the existing permit.
2. Reduction in the total permitted area from 505 to 491 acres. The reduction is due to pending land conveyance to the City of Calabasas for the Lost Hills Road Interchange Project and to clarify the boundaries between the permitted facility boundary and secured easements used for environmental monitoring.
3. An asterisk has been added to the permitted maximum tonnage on the first page of the permit that refers to page 5 part C, Specifications, which includes the following two specifications, not previously included in the permit:
 - a. The facility shall not receive more than the maximum permitted daily tonnage of 3,500 TPD of solid waste without a revision of this permit. These limits include solid waste for beneficial reuse consistent with Title 27 CCR Section 20686, but do not include soil received for cover material as specified in Title 14 CCR Section 18801.1.
 - b. Three of the 23 monitoring perimeter probes are now incorporated into the solid waste facility permitted boundary through Easement Deeds for the purpose of probe maintenance and monitoring for methane gas migration. Detailed information regarding these probes and the easements is included in the approved JTD on file.
4. The disposal footprint was reduced from 416 to 305 acres. This was a correction based on more recent surveys.
5. The 2002 permit reflected a remaining capacity of 25,400,000 cubic yards, and the proposed permit would reflect the design capacity of 69.3 million cubic yards. This change was made to bring the proposed permit in line with current standards and the new SWFP template.
6. The estimated closure date was changed from 2028 to 2029 based on currently projected receipt of refuse.

7. Condition 17.B.7. regarding conditions for green waste use as Alternative Daily Cover (ADC) at the landfill has been removed, and the requirements are now included in the JTD, which is consistent with current permitting practices for the Los Angeles County LEA.

Background:

The Calabasas Landfill is an existing, permitted landfill that has been in operation since February 14, 1961. During the period of September 1965 through July 1980, a portion of the Calabasas Landfill operated under permit as a Class I disposal facility that accepted hazardous (Class I) and liquid (Class II) wastes, in addition to non-hazardous solid and inert wastes. On August 23, 1982, the Regional Water Quality Control Board (RWQCB) issued new Waste Discharge Requirements (WDR) (Order No. 82-67) reclassifying the entire Calabasas Landfill as a Class III facility.

The proposed revision of the SWFP is to account for extended hours for ancillary operations, which is more fully described in the “Key Issues” section above. Through the permit revision process, additional updates to the SWFP and governing documents are also being made (see “Key Issues” section above).

The landfill is operated by the Sanitation District, pursuant to a Joint Powers Agreement (JPA) between Los Angeles County and the Sanitation District on land owned by the County. Approximately 24.6 million tons of refuse have been disposed of at the landfill from its inception through May 31, 2015. In order to preserve the landfill disposal capacity for the surrounding communities, the County passed Ordinance No. 91-0003 in January 1991, which limited the use of the landfill to a waste-shed comprised of the cities of Calabasas, Hidden Hills, Agoura Hills, Westlake Village, and Thousand Oaks, as well as a portion of the City of Los Angeles and certain unincorporated areas of Los Angeles and Ventura counties. The facility serves approximately 1.4 million people in the waste shed.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated December 22, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on August 11, 2014. The LEA provided a copy to the Department on August 18, 2014. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 25, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code (PRC) 50001	The LEA, in their permit submittal package received on December 22, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated January 6, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch (ESB) staff in the Closure and Facility Engineering Unit have found there were no changes to the Preliminary Closure/Postclosure Maintenance Plan submitted as part of the JTD, dated March 1, 2014, which was submitted for the Five-Year Permit Review. The Preliminary Closure/Postclosure Maintenance Plan was found to be consistent with State Minimum Standards, and no further review is necessary, as described in an ESB email dated December 29, 2015. The Preliminary Closure/Postclosure Maintenance Plan was approved in a letter dated December 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found there were no changes to the written estimate to cover the cost of known or reasonable foreseeable corrective action submitted as part of the JTD, dated March 2014, which was submitted for the Five-Year Permit Review, and no further review is necessary, as described in their email dated December 29, 2015. The non-water corrective action plan was approved in a letter dated March 18, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their letter to the operator dated March 24, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their letter to the operator dated March 24, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on October 6, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 22, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 10, 2015. Oral comments were addressed by LEA staff at the meeting, and no additional written comment were received by the LEA. See Public Comments section below for details and additional comments received by CalRecycle on the proposed permit application.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on October 6, 2015 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

In addition, Permitting and Assistance Branch staff visited the site on January 20, 2016 with the LEA to verify perimeter probe locations in easements. However, no inspection report was submitted by the LEA for this visit.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- March 2011 – March 2016 - No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Sanitation District prepared a Notice of Exemption (NOE) on December 16, 2014 in order to document the current hours of various activities at the Landfill. The Sanitation District documented the following in the NOE:

- Receipt of refuse occurs between 8:00 AM and 5:00 PM.
- Landfilling operations, defined as the handling, compaction and covering of solid waste, are conducted from 8:00 AM to 6:00 PM.
- Activities that support landfilling operations are typically conducted between 5:30 AM and 7:00 PM and include, but are not limited to, maintenance and fueling of equipment, relocation of equipment, earthmoving, preparation of work areas and dust control.
- All other activities including, but not limited to, maintenance and operation of environmental control systems, environmental monitoring, control of potential nuisance conditions, and emergency operations may occur 24 hours per day, 7 days per week.

The Sanitation District has determined that, pursuant to 14 CCR, Section 15261, this permit application would fall under the Statutory Exemption for Ongoing Projects. This Statutory Exemption allows for projects approved by a public agency prior to November 23, 1970 to be exempt from CEQA unless either of the following conditions exist:

- (1) A substantial portion of public funds allocated for the project have not been spent, and it is still feasible to modify the project to mitigate potentially adverse environmental effects, or to choose feasible alternatives to the project, including the alternative of "no project" or halting the project; provided that a project subject to the National Environmental Policy Act (NEPA) shall be exempt from CEQA as an on-going project if, under regulations promulgated under NEPA, the project would be too far advanced as of January 1, 1970, to require preparation of an EIS.
- (2) A public agency proposes to modify the project in such a way that the project might have a new significant effect on the environment.

A Notice of Exemption was filed with the Los Angeles County Clerk on December 16, 2014.

Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities was adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP because the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing at the time of the Department's determination. Existing ancillary operations hours would be corrected on the proposed permit from 8:00 AM - 6:00 PM to 5:30 AM - 7:00 PM. In addition, hours for the receipt of waste would not change (see "Key Issues" section above for additional details). There are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is the Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on November 10, 2015, at the Agoura Hills/Calabasas Community Center (Calabasas Room), 27040 Malibu Hills Road, Calabasas, CA. In addition to the presenters from the LEA, three members of the public, two Sanitation District employees, one City of Calabasas employee, and the LEA inspector were in attendance. The three comments made during the meeting by members of the public, along with LEA responses to those comments, are summarized below:

1. **Comment:** What is the purpose of the ancillary hours?

Response: The purpose of the ancillary hours is to allow the landfill operators to prepare the working face prior to opening for business and for proper closure of the working face after closure of business hours.

2. **Comment:** Will the landfill accept waste during ancillary hours?

Response: The landfill will not accept any waste before or after the business hours stipulated on the facility's solid waste permit. The hours for waste receipt are Monday through Saturday from 8:00 AM to 5:00 PM.

3. **Comment:** Will there be any backup alarms during ancillary hours?

Response: Back up alarms are required but should there be any complaints of noise, the operator will be notified to take the necessary action in order to minimize noise during the ancillary hours.

No written comments were received by the LEA following the public informational meeting.

Department staff provided an opportunity for public comment during CalRecycle Monthly Public Meetings on January 26, 2016, February 16, 2016, and March 15, 2016. During the January 26, 2016 meeting, Evan Edgar, of Edgar & Associates, Inc. made public testimony, including testimony regarding the proposed Calabasas Landfill permit revision. Mr. Edgar's comment is summarized below. Mark de Bie, Deputy Director of the Department's Waste Permitting, Compliance and Mitigation Division (WPCMD) responses are summarized below. No additional comments were made during the February 16, 2016, and March 15, 2016 public meetings.

Comment: Mr. Edgar noted that the Board's [California Integrated Waste Management Board, which is now part of CalRecycle] policy for ADC back in 2003 was if ADC use was greater than 20 percent, the facility would be audited. He also stated that the LEA accepted an application for the proposed permit revision with a 24 percent green waste ADC to waste ratio. Mr. Edgar noted that this ratio was down from the 28 percent green waste ADC to waste ratio from the Department's Alternative Daily Cover 2014 Investigation but reiterated that the Board's 2003 policy was to audit facilities with ADC use greater than 20%.

Response: Some of Mr. Edgar's comments were addressed by Mr. de Bie at the public meeting. It was indicated that the ratios of ADC to refuse disposed vary with the amount of waste received. When less waste is received, the ratio of ADC to waste will be higher. It was noted that there are State Minimum Standards that requires the operator to cover landfill waste with soil or ADC. The amount of cover material can vary, but it must stay within the depth requirements set in the regulations. On some days, a landfill may use the maximum allowed depth of ADC. The requirement for daily cover is a federal requirement that the Department continues to impose through state regulations. It was noted that some California landfills do not use any ADC, and others use only tarps, so there is no measureable ratio of ADC to waste at those sites.

In addition to Mr. Edgar's public testimony at the January 26, 2016 Monthly Public Meeting, the Department's Director and Legal Office received an email on February 2, 2016, and a duplicate of that email was sent to Department staff and the facility operator (Sanitation District) on February 4, 2016. In response to Mr. Edgar's comments, Department staff confirmed receipt of both sets of comments, and notified him that both emails had been posted on the Department's webpage as part of the public record. In addition to Department staff responses below, the Sanitation District provided similar

responses to Mr. Edgar's comments in a letter dated March 2, 2016, which was addressed to the Department. The Sanitation District's response is also available on the Department's webpage.

Comment: "CalRecycle has until February 20, 2016 to concur with the Calabasas Landfill SWFP Revision. The JTD must have been determined to be 'complete and correct' by the LEA, where the JTD will allow 24% green waste ADC to refuse use (attached is the JTD page noting 24% use). The 2014 CalRecycle Investigation placed this landfill at 28.6% and was flagged, but 'no indication of overuse of greenwaste ADC was found.'"

Response: The LEA received the application for permit revision on June 3, 2015 and accepted the application as incomplete on July 1, 2015. On October 13, 2015 the LEA received the final revisions to the application package and made the determination that the application was complete and correct on October 23, 2015. The Department initially received the proposed permit on December 22, 2015. Upon review of the permit application package, the Department had further clarifying comments on the JTD that were addressed by the operator. To allow for Department staff review, the operator waived the statutory review timelines until April 5, 2016.

The final JTD (dated February 19, 2016) was resubmitted to the LEA who then forwarded it to the Department on March 11, 2016. It addressed Department staff concerns. In Section 7.4.2 (Alternative Daily Cover) of the final version of the JTD, the typical ratio of green waste ADC to refuse volume was calculated to be 1 to 4.7 or approximately 21 percent, based on a typical working face size of 120 feet by 90 feet and a green waste thickness of 12 inches.

27 CCR 20690(b)(3)(C) restricts processed green material to a minimum compacted thickness of six (6) inches and an average compacted thickness of less than or equal to twelve (12) inches but does not limit the ratio of green waste ADC to refuse.

In addition, as noted in Table 4-2 of the February 2016 JTD, when considering the ratio of green waste ADC to refuse by mass instead of volume, the ratio is approximately 1 to 6 or 17 percent.

Comment: "Of course, the landfill bible, SWANA and common engineering practices have determined for years that landfills typically use a cover ratio of 25% ADC to refuse, for all cover materials (daily, intermediate, and final), where daily cover would be 15% and 20% at the most. Being a larger landfill, the ratio should be even less."

Response: This comment is noted. There is no ADC percentage requirement, rule, or regulation. As noted in the previous response, 27 CCR 20690(b)(3)(C) restricts processed green material to a minimum compacted thickness of six (6)

inches and an average compacted thickness of less than or equal to twelve (12) inches but does not limit the ratio of green waste ADC to refuse, and Table 4-2 of the February 2016 JTD reflects green waste to ADC use of 1 to 6 or 17 percent, when the ratio of green waste ADC to refuse is calculated by mass instead of volume, which varies with the type/density of green waste ADC used.

Comment: “With CalRecycle concurring with this SWFP Revision, CalRecycle would again be setting precedent and be setting new policies by allowing green waste ADC use over 20%, where this permit is setting the ADC policy.”

Response: The Department’s concurrence in the proposed permit revision is consistent with regulations. After the LEA determines a permit application package to be complete and correct and submits the proposed permit to the Department, the Department reviews permit action packages to determine if the permit package is in compliance with statute and regulation in place at the time of review. There is no ADC percentage limitation in statute or regulation. The requirements in 27 CCR section 20690 provide specified amounts (thickness) of ADC that may be used (with the exception of biosolids which has a percentage limit taken directly from statute and not relevant to this permit). The presence of green waste as ADC percentage numbers in the facility’s JTD does not set a new state minimum standard, nor can it be viewed as setting a new ADC policy. The facility’s ADC use was evaluated based on the regulatory requirements and the information contained in the JTD. The result of the evaluation cannot be used as an indication of acceptable ADC use at other facilities. The Department has never adopted any state minimum standard regulation for the allowable percentage of ADC use. If the Department were to attempt to object to this permit based on the percentage of ADC use, it would be arbitrarily setting and unlawfully using an underground regulation.

Comment: “Whereas I appreciate the opportunity to discuss ADC policy in the future one more time since the pathway from the August 2014 Investigation was enforcing ADC issues on a permit-by-permit basis. The concurrence with this SWFP Revision permit is already setting ADC policy on a permit-by-permit basis that the CIWMB would have never allowed in their day.”

Response: Refer to previous response.

Comment: “I will not be speaking at the February 16, 2016 CalRecycle monthly meeting as we all have more important issues to attend to, and your decision will not be changing, and we would have to hear about seasonal adjustments, stockpiling and misreporting, which would have no bearing in this case where 24% is average over the entire year, each and every year.”

Response: Refer to previous responses.

Comment: “Please have the Staff Report discuss the ADC issues in terms of 24% use in the JTD, with justification of that much use referencing past policies and case studies, and that CalRecycle is explicitly concurring with the JTD for 24% green waste ADC use for transparency.”

Response: Refer to previous responses.